

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 28-54 are pending in this application. Claims 1-27 are canceled by the present response without prejudice and new claims 28-54 are presented herewith. New claims 28-54 are deemed to be self-evident from the original disclosure, including the original claims, and thus are not deemed to raise any issues of new matter. More specifically new claims 28-54 are similar in scope to respective claims 1-27 but with certain clarifications discussed below.

Claims 1, 2, 4, 5, 7, 11, 12, 14, 15, 17, 19, 21, 22, and 24 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. patent 6,147,957 to Nagara et al. (herein "Nagara"). Claims 3, 6, 13, 20, and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nagara in view of U.S. patent application publication 2003/0137765 to Yamazaki et al. (herein "Yamazaki"). Claims 8, 9, 10, 25, 26, and 27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nagara in view of U.S. patent 6,724,707 to Van Woudenberg et al. (herein "Van Woudenberg").

Addressing the above-noted prior art rejections, those rejections are traversed by the present response.

New claims 28-54 clarify features from original claims 1-27. Specifically, those claims clarify the buffer areas "have a fixed length". Those claims also clarify a "start point for a buffer area before [a] new block is not fixed relative to the existing block preceding the new block". That subject matter is believed to be clear for example from Figure 1 in the present specification and the corresponding description in the present specification, see for example page 9, lines 1-15.

As shown for example in Figure 1 in the present specification, when writing a new block BLK relative to an existing preceding block BLK1, the buffer areas DRi and DRo precede the blocks BLK and BLK1, respectively. Similarly, for the block BLK2 buffer areas

DRi and DRo precede and follow that block. As clear from Figure 1 the start point of the buffer area DRi before the block BLK is not fixed relative to the existing block BLK1, but can be varied. As also shown in Figure 1 the start point of buffer area DRi for block BLK is shifted, and the amount of the shift can vary for the different blocks, as also shown in Figure 1 for the next block BLK2 as its preceding buffer DRi is shifted a less amount than the buffer DRi for the block BLK. Further, the buffers DRi and DRo have a fixed length, as also shown in Figure 1.

Thereby, according to the claimed invention a start point of writing of a data pattern can be changed. Further, a length of a run-in buffer area is fixed. Such features are believed to clearly distinguish over the applied art.

Nagara describes technology in which a length of a linking area ($b+x2$) can be changed. In Nagara a start point of a linking area is also fixed.

At the cited column 4, lines 47-54 Nagara merely discloses that ECC blocks can overlap. Nagara does not, however, disclose the features clarified in the claims in which buffer areas preceding and following a block have a fixed length, and the start point for a buffer area for a new block is not fixed relative to an existing block preceding the new block.

The above-noted features recited in each of the new claims are believed to clearly distinguish over Nagara.

Moreover, no teachings in Yamazaki or Van Woudenberg are believed to cure the deficiencies in Nagara.

Also, applicants note Yamazaki has a U.S. filing date of October 18, 2002, which is subsequent to the priority date of the Japanese priority document 2002-189347 of the present application, which has a filing priority date of June 28, 2002. With the present response applicants submit a certified translation of that priority document, which is believed to support the claims. Thereby, applicants have now perfected their priority date of June 28,

2002, and thereby Yamazaki is not a valid reference against the claims. Thus, the rejections based on Yamazaki are even further overcome by the present response.

In view of the present response applicants respectfully submit the claims as currently written distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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